

Chesapeake Bay Critical Area Commission
Harrison's Chesapeake House
Tilghman's Island, Maryland
November 5, 1997

AGENDA

SUBCOMMITTEES

10:30 a.m. - 11:00 a.m. Project Evaluation

Members: Langner, Bourdon, Giese, Goodman, Corkran, Foor, Blake, Cooksey, Hearn, Deitz, Wilde, Graves, Castleberry

Caroline County, Martinak State Park, Shore Erosion Control
WSSC, Fort Foote Sewer Extension

Dawnn McCleary, Planner
Lee Anne Chandler, Planner

11:00 a.m. - 12:00 p.m. Program Implementation

Members: Whitson, Evans, Moxley, Robinson, Myers, Barker, Williams, Wynkoop, Foor, Pinto, Johnson, Lawrence, Taylor-Rogers, Duket

Chesapeake Beach, BEA Designation for Tidewater Homes Property

Mary Owens, Chief, Program Implementation

12:00 p.m. - 1:00 p.m. Lunch

PLENARY MEETING

1:00 p.m. - 1:05 p.m. Approval of Minutes of October 1, 1997

John C. North, II, Chair

Approved

PROGRAM AMENDMENTS

1:05 p.m. - 2:00 p.m. VOTE Chesapeake Beach, BEA Designation for Tidewater
Homes Property

Mary Owens, Chief
Program Implementation

PROJECT EVALUATION

2:00 p.m. - 2:15 p.m. VOTE Caroline County, Martinak State Park,
Shore Erosion Control for areas II, III and IV

Dawnn McCleary, Planner

2:15 p.m. - 2:30 p.m. VOTE WSSC, Prince George's County Fort Foote National Park,
Sewer Extension

Lee Anne Chandler, Planner

2:30 p.m. - 2:45 p.m. Old Business

John C. North, II, Chair

New Business

Chesapeake Bay Critical Area Commission
Mt. Calvert House
Mt. Calvert Road, Upper Marlboro, Md.
October 1, 1997

approved

The Chesapeake Bay Critical Area Commission met at the Mt. Calvert House, Mt. Calvert Road, Upper Marlboro, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Bourdon, Dave, Calvert County	Langner, Kathryn, Cecil County
Corkran, William, Talbot County	Setzer, Gary for Hearn, J.L, MDE
Deitz, Mary, Department of Transportation	Myers, Andrew, Caroline County
Duket, Larry, Maryland Office of Planning	Robinson, Thomas Edward,
Evans, Diane, Anne Arundel County	Eastern Shore Member-at-Large
Foor, Dr. James C., Queen Anne's County	Taylor-Rogers, Dr. Sarah, DNR
Giesc, William, Jr., Dorchester County	Whitson, Michael, St. Mary's
Goodman, Robert, DHCD	Williams, Roger, Kent County
Wynkoop, Samuel E., Prince George's County	

The Minutes of September 3, 1997 were approved as read.

Chairman North presented a Governor's Citation to Theresa Corless, former Planner with the Critical Area Commission Staff for her outstanding efforts for restoration and protection of the Chesapeake Bay.

Greg Schaner, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement mapping and text changes to the County's Critical Area Program in the town of Chester which adopted pre-mapped growth allocation. Barry Griffith, Queen Anne's County Planner, said that Chester is one of six designated growth areas in the Queen Anne's County comprehensive plan. There are specific detailed growth management plans for each of these areas wherein future growth will be directed in and around existing development centers with infrastructures. There are two new zoning districts in Chester that will accommodate the bulk of the new development in that area. There will be changes in the Critical Area Program text that will show pre-mapped growth allocation in these areas consistent with the new zoning and new plan. With site design and planning, the actual need for the award of growth allocation should be minimized. Additionally, conditional language will be added for habitat protection. Larry Duket moved to approve the refinement as prepared with the exception of the language "the Commission shall not hold a hearing on the pre-mapped growth allocation" to be stricken. Mr. Duket was concerned that this language would in fact waive the Commission's right to hold a hearing in some extraordinary circumstance. The motion was seconded by Dr. Foor and unanimously carried.

Mr. Schaner presented for Concurrence with the Chairman's determination of Refinement the mapping change for growth allocation to the Queen Anne's County Critical Area Program for a cluster subdivision by Winchester Creek Ltd. Partnership. He said that the change affects 26.553 acres of RCA land to be changed to LDA. An environmental easement is proposed to extend the 100 foot Critical Area Buffer where possible and to protect existing wildlife habitat, woodlands and nontidal wetlands. Mr. Schaner described the site design of the development and the impacts. Recommended conditions of approval for the program refinement by Commission staff include: 1) the applicant will adopt easement restrictions which permanently protect the designated easement area in the same way as the 100-foot Buffer. 2) the applicant will adopt easement restrictions for this site which protect and enhance the existing habitat for the federally endangered Delmarva fox squirrel and which are approved by the Department of Natural Resources' Heritage & Biodiversity Conservation Program. 3) the applicant will prohibit the construction of the proposed community pier and any other water-

dependent facility on this site between October-March of any year to protect waterfowl habitat; 4) the applicant agrees to enhance unforested areas of the 100-foot Buffer and environmental easement with planted native forest species or to allow these areas to naturally regenerate. The Commission supported the Chairman's determination with the exception of Dr. Foor who abstained.

Regina Esslinger, Chief Project Evaluation, CBCAC presented for Vote the Pepco proposal to install two oil containment trenches under the existing oil piping associated with two combustion turbines at the Chalk Point Power Plant in Prince George's County. The purpose of the project is to provide for containment in the event of an oil spill and thus reduce potential contamination of Swanson Creek. This project is reviewed under an MOU between Prince George's County, Pepco and the Commission. The containment trenches are in the 100-foot buffer and the site is designated intensely developed. The total proposed disturbance is 1200 square feet and all but 150 square feet is existing impervious surface. The increase in impervious surface is accommodated under PEPCO's previously approved 10% Pollution Reduction Plan and Prince George's County has reviewed this project and has no comments. Because of the small size of the project, no permits are required from MDE. Dr. Foor moved to approved the Chalkpoint Power Plant oil containment project as proposed. The motion was seconded by Dr. Sarah Taylor-Rogers and unanimously carried.

Dawnn McCleary, Planner, CBCAC presented for Vote the proposal by the Maryland Port Administration, Maryland Department of Transportation to develop an automobile storage facility located at the Masonville Marine Terminal on the Patapsco River in Baltimore City. Ms. McCleary described the details of the project. Don Spate, and Veronica Piskor, URS Greiner, representing Maryland Port Administration in the development of the Masonville Marine Terminal spoke about the site. Mr. Spate reiterated the design details of Phase I, the southern site of the facility. Mr. Spate said that he has discussed with MDE and the Corps of Engineers the issues that relate to Phase I. Dr. Foor moved to approve the Masonville Marine Terminal Automobile Truck Facility (Phase I) subject to the resolution of the Baltimore City comments relative to consistency with their Plans and any subsequent significant deviation from this development concept as shown will need to come back to the Commission. The motion was seconded by Kay Langner and unanimously carried.

Mary Owens, Chief Program Implementation CBCAC, presented for Vote the proposal of the Department of Natural Resources to construct two shore erosion control measures on Quarter Creek off the Patuxent River in Greenwell State Park in St. Mary's County. She said that this project involves two sites, one site involves a non-structural measure which includes the installation of a stone sill and a marsh planting. The second site involves the construction of a stone revetment. The project also includes the construction of an access road to get to the revetment and to provide shoreline access to the handicapped. The road construction will minimize disturbance to the existing forest. She said that DNR has permits in hand from the Corps and MDE. Dr. Foor moved to approve the construction of a stone revetment and stone sill at Greenwell State Park. The motion was seconded and unanimously carried.

Susan McConville, Planner, CBCAC and Mary Anne Skilling, Circuit Rider presented an update of information on the Lower Susquehanna Heritage Greenway. Ms. Skilling said that this project is ongoing since 1992 and is now reaching a point where things are starting to happen. The uniqueness of the project is that it encompasses two counties, two municipalities, and one city. This project began with revitalization in the towns of Perryville and Port Deposit. The entire system is based on hiking and biking greenway trails to connect the two towns in the Susquehanna River Valley. A large percentage of these towns are in the Critical Area and during the management plan development for this project there is opportunity to incorporate a lot of Critical Area elements. Ms. Skilling told the Commission that they may be seeing greenway related projects in the

future.

OLD BUSINESS

Marianne Mason, Esquire, Assistant Attorney General, DNR and Commission Counsel updated the Commission on legal matters. She told the Commission that she had filed a brief in opposition to the petition for writ of certiorari in late September in the Schirner v. Wicomico County case in the U.S. Supreme Court; also filed was an appeal in Wicomico County Circuit Court (the Kelley case) from the Wicomico Board of Appeals' grant of a variance for a pool in the buffer.

NEW BUSINESS

There was no new business reported.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Secretary

Town Eng. asked for postponement

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

November 5, 1997

APPLICANT: Town of Chesapeake Beach

PROPOSAL: Buffer Exemption Area
Callis Property/Tidewater Homes

JURISDICTION: Chesapeake Beach

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Pending Chesapeake Beach Panel meeting on October 28, 1997

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.09.01

SUMMARY:

The Town is requesting approval of a map amendment to designate an undeveloped 5.2 acre property within the Town of Chesapeake Beach as a Buffer Exemption Area (BEA). The site consists of 2.5 acres of upland and 2.7 acres of private tidal wetlands. The portion of the property that borders the Chesapeake Bay is designated as a BEA; however, the part of the property adjacent to the tidal wetlands is not designated as a BEA. The Town is requesting a BEA designation for the portion of the property adjacent to the tidal wetlands. Approximately 1.2 acres of the property are currently developable without the additional BEA designation.

The Town is requesting the BEA designation in order to accommodate the development of the property for 80 apartment units, ten thousand square feet of commercial office space, and 180 parking spaces. Attachment A is a site plan for the proposed project. The applicant is proposing to fill approximately 20,586 square feet of private tidal wetlands, and to construct a portion of the 13,500 square foot building and the 78,000 square feet of roads and parking area within the 100-foot Buffer adjacent to the tidal wetlands. The applicant has applied for the permit from the Maryland Department of the Environment (MDE) and has been working with MDE on a mitigation plan. The permit has not yet been issued.

DISCUSSION:

Section 27.01.09.02 of COMAR states that local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the following functions of the Buffer:

1. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
2. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
3. Maintain an area of transitional habitat between aquatic and upland communities;
4. Maintain the natural environment of streams; and
5. Protect riparian wildlife habitat.

Most of the areas that the Commission has reviewed and designated as BEAs since the adoption of this policy have consisted of residential development on relatively small parcels. The Commission's policy specifically addresses areas that include lots of record with an existing single family dwelling located at least partially within the Buffer and being less than 200 feet in depth. Some larger commercial properties have been designated as BEAs; however, in most cases, these properties were already developed and were undergoing some form of redevelopment.

The Callis property in Chesapeake Beach is somewhat different from the "typical" properties that have been proposed by local governments for designation as a BEA. The property is a single, relatively large lot, and it is currently undeveloped. Traditionally, the evaluation of the "existing pattern of residential, industrial, commercial, or recreational development" and the evaluation of "Buffer function" have been confined to the site, lots, or parcels being proposed for BEA designation and those properties adjacent to it. In most cases, the majority of the area is developed and the BEA designation is proposed to accommodate reasonable expansion of existing structures or infill development of smaller vacant parcels. Although this approach has been used in the past, neither the Law or the Commission's policy defines the scope of "existing pattern of development" therefore allowing a broader interpretation.

The Callis property is currently undeveloped with natural vegetation within the 100-foot Buffer (adjacent to the tidal wetlands), and it appears that the Buffer on the property is fulfilling

the functions set out in COMAR 27.01.09.01. Attachment B, entitled "Chesapeake Beach - Tidewater Homes, Tidal Wetland Assessment", prepared by Claudia Jones describes in detail the conditions of the tidal wetland adjacent to the Buffer. If the property were not mowed on a regular basis, natural succession would take place resulting in a forested Buffer. Although Buffer functions are being performed on the site, the Town is requesting that the Commission use a broader interpretation and look at the existing pattern of residential, industrial, commercial or recreational development **in the Town as a whole** and how this pattern generally prevents the Buffer throughout the Town from fulfilling its functions.

In accordance with the intent of the Commission's policy on BEAs, the Commission is tasked with determining whether a BEA designation of the wetlands Buffer of the property "accommodates limited use of the shoreline areas in certain situations while protecting water quality and wildlife habitat to the extent possible." If the Commission determines that the property can be designated as a BEA, then the local jurisdiction shall propose other measures for achieving the water quality and habitat protection objectives of the policies.

If the property is designated as a BEA, then the following provisions of the Commission's BEA policy must apply:

1. New development activities will not be permitted in the BEA unless the applicant can demonstrate that there is no feasible alternative;
2. New development shall minimize the shoreward extent of intrusion into the BEA;
3. Development may not impact any Habitat Protection Areas other than the Buffer;
4. No natural vegetation may be removed in the Buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the Buffer; and
5. Any development in the BEA requires mitigation/ enhancement/ or offsets.

The Town feels that the proposed project is in accordance with the Commission's policy for BEAs, regarding new development activities in the Buffer Exempt Area, because the applicant has stated that there is no feasible alternative, and this project would not be economically viable without the BEA designation. With regard to minimizing the shoreward extent of intrusion into the Buffer Exempt Area, the developer feels that reasonable efforts have been made to reduce the scale of the project in order to minimize the area of wetland filling and Buffer impacts. The developer has stated that he would be willing to establish a 25-foot vegetated Buffer between all impervious surfaces and the new (post filling) edge of tidal wetlands.

In developing the policy on BEAs, the Commission determined that any development in a BEA would require some type of Buffer mitigation, enhancement, or offsets in addition to the establishment of some type of Buffer on the site. The policy requires that "Natural vegetation of an area twice the extent of the impervious surface [in the Buffer Exempt Area] must be created in the Buffer Exemption offset area or other location as may be determined by the local jurisdiction." The Commission acknowledged that the designation of Buffer Exemption Areas, while accommodating development in the Buffer under certain circumstances, should result in an overall net increase in the area of forested Buffer within a jurisdiction or municipality.

The applicant's proposal will involve approximately 30,000 square feet of new impervious surface in the Buffer Exempt Areas adjacent to the tidal wetland and adjacent to the Chesapeake Bay. The Town does not currently have a Buffer Exemption offset area identified, and because most of the Town's waterfront is already intensely developed, the identification of a suitable site (or sites) may present a challenge. Because the required two-to-one mitigation is such a critical component of the BEA policy and will be substantial (for this project), the identification of mitigation sites and the development of planting plans should be part of the amendment package that will designate this site as a BEA.

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CHESAPEAKE BEACH - TIDEWATER HOMES TIDAL WETLAND ASSESSMENT

Prepared by M. Claudia Jones, Science Advisor, CBCAC

Existing site conditions in relation to the tidal wetland

There are approximately 2.7 acres of tidal wetlands on this site. Nontidal wetlands exist along the west side of the property in the form of a roadside ditch. The tidal wetlands are adjacent to a tidal gut. Tidal influence on the site is controlled by a tide gate that was constructed to control flooding in the town during storm surges. The tide gate has been closed during all visits by Critical Area staff over the past several months.

The wetland is surrounded by a fringe of *Phragmites australis* on all sides except for a large area facing the tidal basin where much of the water enters the wetland. The interior of the wetland is comprised of both low and high marsh plant species representative of a salt marsh on the coastal plain.

Water Quality

This wetland provides water quality benefits by helping to trap sediments and other pollutants, and well as sequestering nutrients coming off of the site; coming from the adjacent roadway; and reaching the wetland from wet and dry atmospheric deposition. There are areas within the interior of the marsh where the tide reaches on a daily basis that are quite wet and therefore should be beneficial in terms of nutrient conversion as well as export of detritus that forms the base of the saltmarsh food chain. Most of the areas where *Phragmites* is present are very wet and should be just as effective as the more "desirable" species of wetland vegetation in terms of pollutant uptake and erosion control. This plant has quite an extensive root system and produces large amounts of biomass. Studies have shown that *Phragmites* has a relatively high value as a water purifier.

Wildlife Value

This wetland, while not large enough to provide significant habitat for large animals or those that require extensive unbroken wetlands, does provide a local refuge, and feeding area for numerous species. Numerous species of birds and other animals have been seen in and adjacent to the wetland including a sora rail which is a secretive bird that indicates that the wetland is of pretty good quality. *Spartina* wetlands have been well documented as being a major component of the estuarine food web due to the detritus (decaying organic material) that is produced and the associated invertebrate communities that are food for many organisms. In addition, *Phragmites* has been documented as providing comparable amounts of detritus to that of *Spartina alterniflora*. *Phragmites* is not generally utilized as a food for organisms further up the food chain nor does it provide nesting habitat for desirable waterfowl species such as Black Duck. This wetland, however, is not of sufficient size nor isolation to provide habitat for larger and more selective species.

Summary and discussion of wetland values

The existing wetland at the Tidewater Homes site is providing numerous benefits for water quality and wildlife. It is in fairly good condition considering its location and the surrounding development. The existence of *Phragmites* in this wetland has been used as part of an argument to say that this wetland is degraded and of low value; however, I would counter by saying that the existence of *Phragmites* on this site does not reduce the water quality benefits at all and does not affect the value for wildlife habitat by much. I come to the latter conclusion due to the fact that the *Phragmites* is only present around the edges of the wetland (the interior of the wetland is of good quality). A primary concern with *Phragmites* in a situation like this is that it will spread and create a monoculture that is not beneficial to most wildlife species. The wetland is being utilized by the species that would be expected in a small tidal wetland in a developed area.

It has been suggested that the existing wetland is degraded in part due to the existence of the tide gate. This is true since the natural flushing and exchange of water and organic matter as well as access by fish is precluded since the tide gate seems to be closed the majority of the time. This makes me question the wetland creation that is to occur here and wonder how it will be different. I also question what is going to keep the *Phragmites* from returning to the site. With the surrounding *Phragmites* as a seed source it will be a continuous battle.

It has also been suggested that the wetland is degraded in part because of sediment in the runoff coming from the upland portion of the site. It does not appear at this time that the upland provides much of a sediment source. It may have at one time. It appears from old aerial shots of the site that when the tidal/boat basin was dug, the spoil was placed in the adjacent wetland (the one under discussion). This area was the most likely to erode since it would have been composed primarily of loose sandy material. This disturbance also provided an opportunity for *Phragmites* to invade the site, as did the construction of the road and any other disturbance. *Phragmites* is common along the edges of many of our tidal wetlands and anywhere where disturbance exposes the soil and allows it to take hold.

Tidal wetland plant species on site

- **Phragmites australis*
- **Spartina alterniflora* (long and short forms)
- **Spartina patens*
- Spartina cynosuroides*
- Scirpus americanus*
- Hibiscus moscheutos*
- Baccharis halmifolia*
- Iva frutescens*
- Distichlis spicata*
- Kosteletzkya virginica* (seashore mallow)
- Salix sp.* (willow)

* *Dominant species*

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- Salix sp.* (willow)

* *Dominant species*

Wildlife observed on site by Critical Area staff or others include:

Kingfisher
Sora (a secretive rail that indicates that the wetland is of pretty good quality)
Great Blue Heron
Song sparrow
Fish Crow
Red-winged Blackbird
Mallard
Muskrat (a muskrat lodge was seen as well as signs of recent foraging)

Other birds and mammals that would be expected to utilize the site at some time:

Green Heron
gulls
fox
Eastern cottontail

The following fish and shellfish, etc. would be expected to use the tidal basin and benefit from the marsh provided the tidal connection is maintained:*

white perch
spot
bluefish
menhaden
killifish
silverside
sheepshead minnow
grassshrimp

*Species list provided by National Marine Fisheries Service personnel.

Prepared by Claudia Jones, Chesapeake Bay Critical Area Commission, September 1997.

EDGE OF EXISTING TIDAL WETLANDS

S = 4000' 1" = 33.2' 1" = 8.50' 1" = 14.3'

PROPOSED PARKING LOT

STORMWATER OUTFALLS

PRIVATE TIDAL WETLANDS

25 foot Buffer

25 foot Buffer

PROPOSED BUILDING

Frame	Top	Left	Right	Bottom	Area
1	9.5	2.5	5.1	3.0	1.0
2	9.5	4.0	5.1	2.5	2.2
3	9.5	5.5	5.1	2.0	2.5
4	9.5	7.0	5.1	1.5	3.0
5	9.5	8.5	5.1	1.0	3.5
6	9.5	10.0	5.1	0.5	4.0
7	9.5	11.5	5.1	0.0	4.5
8	9.5	13.0	5.1	0.0	5.0
9	9.5	14.5	5.1	0.0	5.5
10	9.5	16.0	5.1	0.0	6.0

SEAGATE SUBDIVISION
PLAT BOOK ARE AGE 5/48

In Chesapeake Beach, 8-Stories Stir Old-Timer- Newcomer Clash

Chesapeake Beach Mayor Gerald Donovan strode to the front of the room, jabbed at the blackboard with a stump of chalk and declared: "All the folks that have moved here, we opened our arms for you to come."

He aimed those words at audience members who had showed up at Northeast Community Center last week to express their worries about a 70-foot



high, eight-story 80-unit apartment building proposed for the Chesapeake Bayfront by Tidewater Homes Inc.

The state Critical Area Commission had called the hearing to hear testimony on one facet of the development — whether to give the project what is called a "buffer exemption area" designation for a 100-foot strip along the Bay. The exemption is critical for the \$6 million project to proceed.

Donovan asserted that the town always had acted responsibly and had done nothing to harm the shoreline.

He also made clear that he did not appreciate criticism of the town's direction by newcomers to Chesapeake Country. That debate — between long-time Bay residents and newcomers — is sounding in many communities as people who have moved here recently often fight the hardest to preserve their surroundings.

Among the Chesapeake Beach newcomers were Donna Distasio, who, along with her husband, had purchased a home near the proposed development and was in the process of relocating. She described the excitement she and others before her have felt on reaching the edge of Chesapeake Beach on Rt. 260 and suddenly seeing the panoramic beauty of the Chesapeake Bay.

"Every time I drive over that hill and see the Bay, it makes my heart flutter," she said.

New Bay Times Weekly

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The prospect of seeing an eight-story building along the Chesapeake was not similarly enthralling. "We're not going to have grass. We're not going to have birds. We're going to have cars," she opined.

Others complained about Chesapeake Beach's disappearing Bayfront. The swath of land targeted by Tidewater Homes was the last of its kind in the community, a place where people walked and where they gathered to watch fireworks on the Fourth of July, they said.

"If you live in Chesapeake Beach and you don't own waterfront," said Bruce Strong, "you have to go all the way down to Brownie's Beach ... When is enough enough?"

Such comments did not sit well with Barbara Callis, a 26-year Chesapeake Beach resident whose family owns the property that Tidewater intends to develop. She reminded people pointedly that anyone who treads on her land is trespassing.

"That's private property," she said. "I don't see any of you pay the taxes on that property. What right do you have to talk? That property is assessed at \$800,000 ... If you want to buy it, buy it."

Donna Kelly, who lives in the Windward Key development, proved that not every newcomer worries about development. "What this community needs to do is grow. It needs to get rid of the sheds. It needs to get rid of the dumps," she said.

Then Kelly responded to a remark likening Chesapeake Beach's development to what has occurred in Ocean City. "If it's Ocean City, well, Ocean City looks nice. And it makes money," she said.

Kenneth Muller, president of Tidewater Homes, contended afterward

that he has a track record for environmentally sound projects. He was an original owner of Chesapeake Station, the development alongside Donovan's landmark Rod & Reel Restaurant, as well as an original owner of the Windward Keys development, he said. So far, he has spent \$96,000 in formulating plans for the 80-unit apartment building, he said.

Muller said that he already had obtained preliminary approval from several federal and state permitting agencies. He referred to the Critical Area Commission panel as "this group of unknowns."

The unknowns included James C. Foor, who is chairman of the Queen Anne's County planning commission. Foor and the other three panel members who heard the testimony will recommend to the Critical Area Commission on Nov. 5 whether to grant the exemption that is crucial to Muller's plans. Foor said that in the four or five years he has been called on to make such determinations, the decision in Chesapeake Beach may be the hardest.

"It's a tough one," he said.

(BL)

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

November 5, 1997

APPLICANT: Department of Natural Resources: Resource
Management Services Shore Erosion Control

PROPOSAL: Martinak State Park Shore Erosion Control
in Areas: II, III, and IV

COMMISSION ACTION: Vote

**STAFF
RECOMMENDATION:** Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW
REGULATION:** Chapter 5: State Agency Actions Resulting in
Development COMAR 27.02.05.02 on State-Owned Lands

DISCUSSION:

Martinak State Park is located on the Choptank River and Watts Creek in Caroline County, Maryland. The Department of Natural Resources Shore Erosion Control is proposing the design and construction of non-structural shore erosion control in Areas II (Cabin Area), III (Rental Property) & IV (Amphitheater Area) of the park. The purpose of this project is to prevent sediments from entering the waters of the State from an eroding shoreline and to stop the loss of valuable State land. The construction of this project will have no major impact on wildlife habitats.

In Areas II & III, DNR is proposing the design and construction of non-structural shore erosion control of approximately 101.81 feet in Area II and 496.71 feet in Area III to cover in length with bank clearing, stone sill, sand fill, marsh grass plantings and seeding. For Area IV, DNR proposes the design and construction of a low-profile stone revetment approximately 496.71 feet in length with bank clearing.

Continue, Page Two
Martinak State Park
November 5, 1997

Construction of all three areas is being planned for December 1997 with anticipated completion by May 1998. Life expectancy for the non-structural shore erosion control in Area II and III is up to a 15-year storm; Area IV, a low profile stone revetment, has a life expectancy of up to a 25-year storm. The pond outfall between Areas II and III will be maintained. DNR will not grade the banks above the project.

The Heritage division of DNR has reviewed the project. There are no records of rare, threatened, or endangered species in the area.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

November 5, 1997

APPLICANT: Washington Suburban Sanitary Commission

PROPOSAL: Fort Foot National Park Sewer Extension (94AS9918A)

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

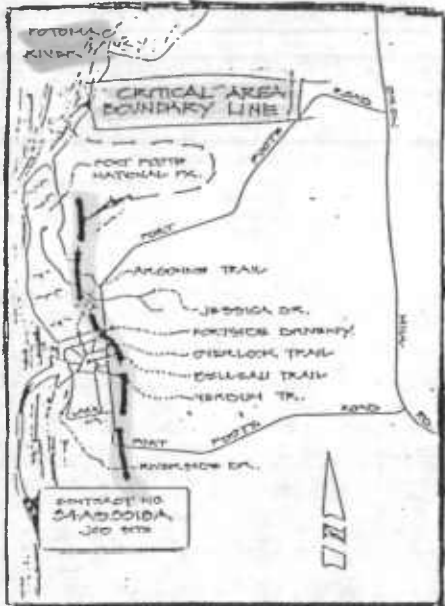
STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.02 State and Local Agency Actions
Resulting in Development of Local Significance on Private
Lands or Lands Owned by Local Jurisdictions

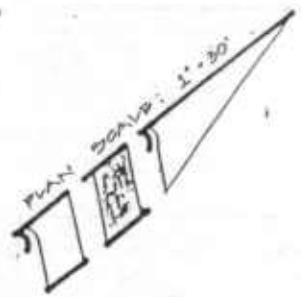
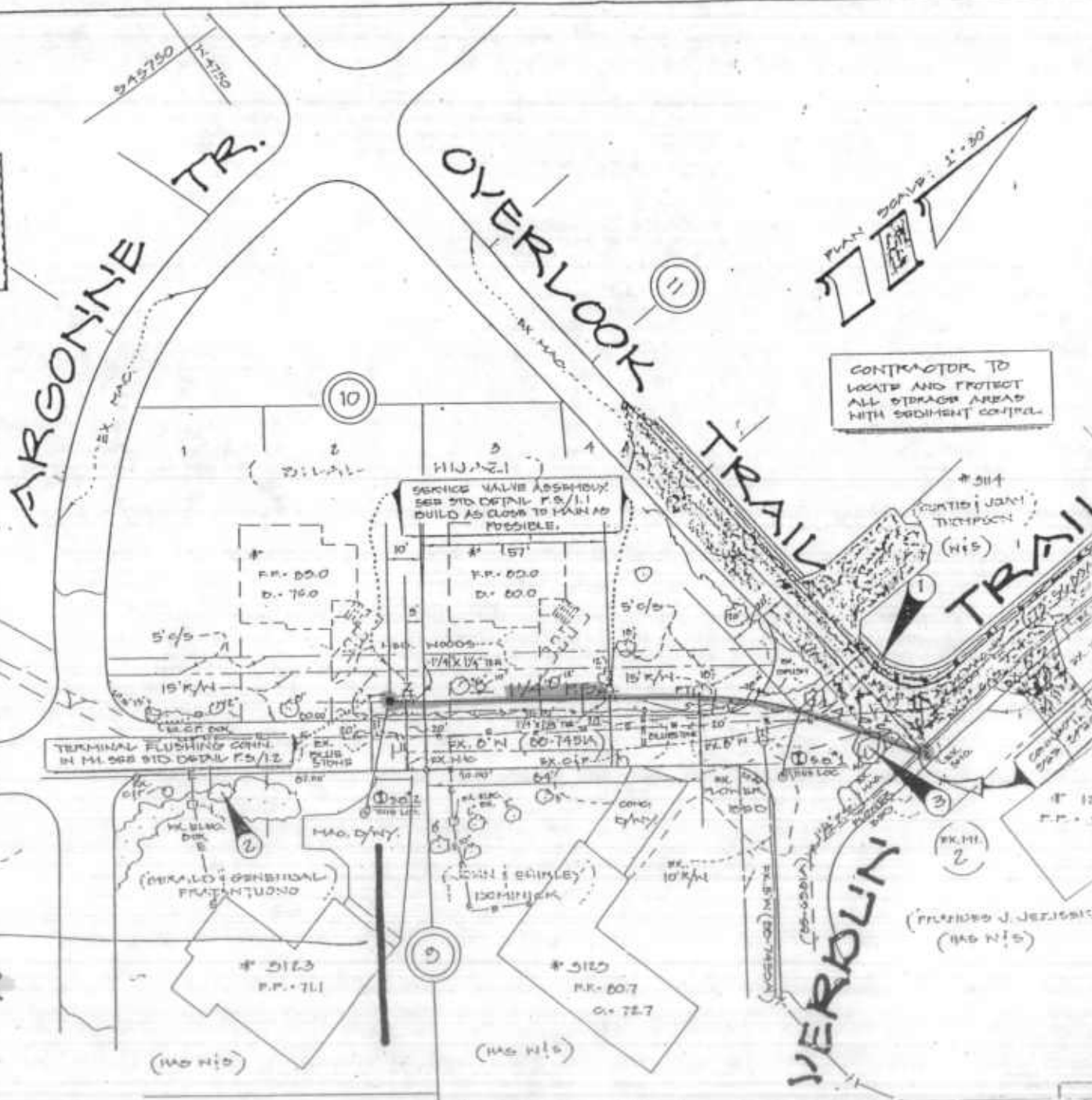
DISCUSSION:

The Washington Suburban Sanitary Commission (WSSC) proposes to install a sewer line to service 2 lots on Belleau Trail in the vicinity of Fort Foot National Park in Prince George's County. A 1¼ inch PVC pressure sewer line 166 feet long will be installed. The sewer line will be installed in the street right-of-way.

There will no impacts to the Buffer or any Habitat Protection Areas. The lots to be serviced are forested. In order to preserve as many trees as possible, a directional drilling method will be used to install the lines. However, soils on site may limit this method and an open cut excavation may be necessary. If any trees are removed they will be replaced in kind. The site will be stabilized at the end of every day.



APPROVED
SEGMENT CONTROL
PLAN
DATE 1-19-95
SIGNATURE [Signature]
PLAN IDENTIFICATION
415 9918 A



CONTRACTOR TO
LOCATE AND PROTECT
ALL STORAGE AREAS
WITH SEDIMENT CONTROL

3116
P.P. 714
NO COLLAR
BK. PORCH

BELLEAU
(NO ADT)

600 FT TO
POTOMAC RIVER

3114
COUNTY JAMES
THOMPSON
(HIS)

(FRANCIS J. JERVIS
(HIS N/S)